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Attorney General supports Senate Republicans: water regulation must be based on sound science

LANSING –Attorney General Mike Cox issued an opinion today that though the Legislature has the authority to regulate groundwater and surface water, those actions must be reasonable and not arbitrary. This opinion confirms and supports the Senate Republicans’ contention that water regulation must be based upon sound science, said Sen. Patty Birkholz, R-Saugatuck Township.

“This is precisely what we’ve been saying must happen and is what the legislation we already passed will provide us — the necessary facts to move forward with new regulations if called for,” Birkholz said. “Conducting mapping studies on the location and condition of our groundwater will help us determine the best course of action to take when considering water regulations. It is imperative that we don’t make important regulation decisions without first obtaining all the facts and I’m glad the attorney general agrees with us.”

Birkholz asked Cox to give his opinion on the issue well before the governor tried to get the Legislature to urgently create water diversion policies before the groundwater mapping was complete.

“The attorney general stated that we have full authority within Michigan boundaries to regulate groundwater and surface water as long as our actions are not unreasonable or arbitrary,” Birkholz said. “Public Act 148, which the governor signed, meets these qualifications and ensures that any regulation will be reasonable and related to the long-term protection of our water.”

PA 148 (Senate Bill 289) requires the Michigan Department of Environmental Quality to first study the groundwater system in the state before any regulations are made. The groundwater mapping and inventory project is being undertaken by the U.S. Geological Survey and the DEQ.

The legislation also created a technical advisory council consisting of all the major stakeholders in groundwater protection. The council’s recommendations are due next year.

“The answers will be forthcoming, but we must be patient and prudent,” Birkholz said.

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